

Filed for intro on 02/16/95
House Bill _____
By _____

Senate No. SB1576
By Leatherwood

AN ACT to amend Tennessee Code Annotated, Section 49-6-3401,
relative to the suspension and expulsion of students.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 49-6-3401(a), is amended by adding the following new subdivision:

(12) Off-campus criminal behavior and the student's continued presence in school poses a danger to persons or property or disrupts the educational process.

SECTION 2. Tennessee Code Annotated, Section 49-6-3401, is amended by inserting the following new subsection designated as subsection (b) and by redesignating current subsections (b) through (f) as subsections (c) through (g), respectively:

(b) Each local education agency shall expel from school, for a period of not less than one (1) year, any student who is found to have brought a weapon to school. The superintendent or director of schools may modify this expulsion on a case by case basis. For the purposes of this section, the term "weapon" means a firearm as defined in Section 921 of Title 18, United States Code. Nothing in this subsection shall be construed to prohibit a local education agency from providing educational services to

each student in an alternative educational setting. This subsection shall be construed in a manner consistent with the Individuals with Disabilities Education Act.

SECTION 3. If any provision of this act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to that end the provisions of this act are declared to be severable.

SECTION 4. This act shall take effect July 1, 1995, the public welfare requiring it.

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